IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.50805-M OF 2006

DATE OF DECISION: SEPTEMBER 28, 2006

Devender

....PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM : HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.J.S.Hooda, Advocate,
for the petitioner.
Mr.Partap Singh, Sr.DAG, Haryana.

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Petitioner Devender has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.858/2004 dated 5.10.2004 registered under Sections 302/201/34 IPC at Police Station NIT Suraj Kund Chowki, District Faridabad.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 8.8.2006 passed by the Additional Sessions Judge, Faridabad.

In this case, on the statement of one Ramesh, the aforesaid FIR was registered. In the FIR, four persons, namely, Pappu, Birbal, Sudhir and Devender (petitioner) were named as accused. As per the allegations in the aforesaid FIR, the complainant along with his brother Dal Chand deceased, accused Birbal, Pappu, Devender and Sudhir were consuming liquor at his house. After some time, when Birbal suggested to his brother to bring another bottle of liquor, he refused to oblige. On that account, there was some altercation between the deceased and accused Birbal. Dal Chand gave slaps to Birbal. After the altercation, Dal Chand left the house by saying that he would return shortly. Subsequently, Sudhir and Devinder also left the house. On the next date, the dead body of Dal Chand was found lying

behind the liquor vend at Chungi No.3. The deceased was having injury on the right side of his forehead and on the back side of his head. In the FIR, it was alleged that Dal Chand was killed by accused Birbal for taking revenge of slapping him by Dal Chand.

During the investigation, Sudhir and petitioner Devender were found innocent. Subsequently, on an application filed under Section 319 Cr.P.C., after recording the statement of complainant Ramesh (PW5), the accused were summoned to face trial along with other accused. The petitioner is in judicial custody ever since he was arrested i.e. 31.7.2006.

I have perused the statement of PW5-Ramesh. In the said statement, he had stated that he suspected the involvement of Devender, Sudhir, Pappu and Birbal in the death of his brother Dal Chand. No other evidence came on the record to the effect that petitioner Devender was having any enmity and motive in killing the brother of the complainant.

In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

September 28, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE